

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2639 OF 2004

Mrs.Vatsala R. Pillai & Ors. ...Petitioner
V/s.
Mr.Ramdhani Ishwarprasad Yadav & Anr. ...Respondents

Shri Jagdish G. Aradwad (Reddy) for Petitioner.
Mr.A.V. Pawaskar alongwith A.S. Khandeparkar for
Respondent No.1.
Mrs.M.M. Deshmukh, APP for State.

CORAM : V.M. KANADE, J.

DATED : AUGUST 2, 2006

P.C. :-

. Heard learned Counsel for the petitioner and
learned Counsel for the respondents.

2. The petitioner is challenging the order of
issuance of process which was passed by the J.M.F.C.
Kalyan and which order has been confirmed by the
Sessions Judge, Kalyan in Criminal Revision Application
No.112/2003.

3. It is submitted that the dispute between the
parties is essentially of civil nature. It is submitted
that there was dispute between the complaint and the

petitioner. It is submitted that the alleged repair work was carried out by the members of the Managing Committee after the resolution was passed in the meeting.

4. Learned Counsel appearing on behalf of the respondent, on the other hand, submitted that the petitioner has alternate remedy approaching the trial court and before exhausting the said remedy, he has approached this Court for quashing the process which was issued by the Magistrate.

5. Without examining the merits of the submission made by the learned Counsel for the petitioner, since it is open for the petitioner to apply to the trial Court for discharge, reserving the said right of the petitioner, the present petition is dismissed.

(V.M. Kanade, J.)